

REMARKS

Claims 1-5, 19-26, 34-40, 45-48, 57, 60, 61 and 63 are pending. Claims 1, 19, 25, 26, 34, 37, 45, 57, 60, 61, and 63, the independent claims, have been amended without narrowing their scope. Favorable reconsideration is requested.

Claims 1, 3-5, 19-21, 23-25, 34-40, 57 and 60-61 were rejected under 35 U.S.C. § 102(b) over U.S. Patent Publication 2003/0003921 (Laakso). Claims 45-48 and 63 were rejected under 35 U.S.C. § 103 over Laakso in view of U.S. Patent Publication 2001/44306 (Shimono et al.). Applicant submits that the amended independent claims are patentable over the cited references for at least the following reasons.

Amended independent claim 1 is directed to a radio-resource management method. The method includes a control step of, based on radio-link quality information, including at least a received level of a radio link, to be notified from at least one of a plurality of radio base stations and radio terminals belonging to respective different operators, taking alteration control of a frequency that the radio base station utilizes on the basis of total received levels of other base stations that use the same frequency that is used by the radio base station.

Laakso shows a method for controlling traffic load in a telecommunications network. However, Laakso neither teaches nor suggests the feature of amended claim 1 of taking alteration control of a frequency that the radio base station utilizes *on the basis of total received levels of other base stations that use the same frequency used by the radio base station*.

There appeared to have been a misunderstanding as to the intended scope of this feature as it had been recited in November 15, 2007 Amendment. In that paper, the independent claims had been amended to read, in relevant part (using claim 1 as an example):

“taking alteration control of a frequency that said radio base station utilizes on the basis of total received levels of other base stations using the same frequency as said radio base station.”

In the Office Action, in rejecting the amended independent claims, it appeared that the Examiner interpreted this language to mean that alteration control of the frequency a base station utilizes is done on the basis of total received levels of other base stations *and* that either the terminals, or other base stations, use the same frequency as the base station. However, this is not the intended meaning of this limitation. To make its intended meaning even more clear, it has been amended to read as above.

In the amended limitation, it is even more clear that alteration control of (i.e., control of the changing of) the frequency a base station utilizes is done based on the total received levels of other base stations that use the same frequency used by the radio base station. In the Office Action, at page 3, lines 6-8, it was mentioned that in CDMA the same frequency can be used for more than one base station. However, as recited in claim 1, the frequency that a particular base station uses can be controlled ("alteration control of a frequency that said radio base station utilizes"), and that in fact such control of a particular base station is effected based on the total received levels of other base stations that use the same frequency being used by the particular base station.

While Laakso may discuss, at paragraph [0064], the reporting periodically of the total uplink interference power and the total downlink transmission power, there is no teaching whatsoever in Laakso: (1) that either of these totals relate only to base stations utilizing the same frequency as the base station currently uses; or (2) of taking alteration control of a frequency that the radio base station utilizes (i.e., deciding how or whether to change the frequency) based on the total received levels of other base stations that use the same frequency used by the radio base station, as recited in amended independent claim 1.

Shimono teaches a mobile communications system, but does not remedy the above-mentioned deficiency of Laakso as a reference against amended independent claim 1.

For at least the foregoing reasons, amended independent claim 1 is believed patentable over the cited references. The other independent claims recite, inter alia, a substantially similar feature and are believed patentable for at least the same reasons as claim 1.

The dependent claims are believed patentable for at least the same reasons as their respective base claims.

Since this amendment is believed simply to recite in another way exactly what was recited previously, it is requested that this amendment be entered as simply improving the form of the claims, without changing their scope.

In view of the above amendments and remarks, applicant believes the pending application is in condition for allowance.

Dated: May 12, 2008

Respectfully submitted,

By Joseph W. Ragusa
Joseph W. Ragusa
Registration No.: 38,586
DICKSTEIN SHAPIRO LLP
1177 Avenue of the Americas
New York, New York 10036-2714
(212) 277-6500
Attorney for Applicant